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1 CHAIRPERSON:

2 DONOVAN W. ANDERSON, Presiding

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4 OTHER PERSONS PRESENT:

5 NICK ALBERTI, BOARD MEMBER

6 RUTHANNE MILLER, BOARD MEMBER

7 JAMES SHORT, BOARD MEMBER

8 MIKE SILVERSTEIN, BOARD MEMBER

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1 P R O C E E D I N G S

2 CHAIRPERSON ANDERSON: We're back on the
3 record. So, I'm going to do the legal agenda and
4 the first matter in the legal agenda is to review
5 a settlement agreement dated April 19, 2016,
6 between Comet Pizza -- License #074897 and ANC
7 3F. I make a motion that we approve the
8 settlement agreement with modifications. Is
9 there a second?

10 MR. ALBERTI: Second.

11 CHAIRPERSON ANDERSON: Mr. Alberti has
12 seconded the motion. Those in favor say Aye.

13 [Chorus of ayes]

14 Those opposed.

15 [No audible response.]

16 The matter passed 5-zero-zero.

17 CHAIRPERSON ANDERSON: The next matter is
18 review of a settlement agreement dated 05/04/16
19 between The Line D.C. Hotel and ANC 1C. I make a
20 motion that we approve the settlement agreement.
21 Is there a second?

22 MR. SHORT: Second.

1 CHAIRPERSON ANDERSON: Mr. Short has
2 seconded the motion. Those in favor say Aye.

3 [Chorus of ayes]

4 Those opposed.

5 [No audible response.]

6 The matter passed 5-zero-zero.

7 CHAIRPERSON ANDERSON: The next matter is
8 to review a joint request from Capitol Hill
9 Tandoor & Grill and ANC 6B, to extend the protest
10 petition deadline from May 31, 2016, to October
11 17, 2016. The license is #060689. I make a
12 motion that we approve this. Is there a second?

13 MR. SILVERSTEIN: Second.

14 CHAIRPERSON ANDERSON: Mr. Silverstein
15 has seconded the motion. Those in favor say Aye.

16 [Chorus of ayes]

17 Those opposed.

18 [No audible response.]

19 The matter passed 5-zero-zero.

20 CHAIRPERSON ANDERSON: The next matter is
21 to approve a request to store invoices off
22 premises for the BBQ Joint, license #082451. I

1 make a motion that we approve this request. Is
2 there a second?

3 MR. SILVERSTEIN: Second.

4 CHAIRPERSON ANDERSON: Mr. Silverstein
5 has seconded the motion. Those in favor say Aye.

6 [Chorus of ayes]

7 Those opposed.

8 [No audible response.]

9 The matter passed 5-zero-zero.

10 CHAIRPERSON ANDERSON: The next matter is
11 to review a settlement agreement dated May 15,
12 2016, between ANC 2F and Table D.C. license
13 #089395. I make a motion that we approve the
14 settlement agreement with modifications. Is
15 there a second?

16 MR. ALBERTI: Second.

17 CHAIRPERSON ANDERSON: Mr. Alberti has
18 seconded the motion. Those in favor say Aye.

19 [Chorus of ayes]

20 Those opposed.

21 [No audible response.]

22 The matter passed 5-zero-zero.

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2 CHAIRPERSON ANDERSON:

3 The next matter is to review notice of
4 proposed rulemaking for Grocery Store. I make a
5 motion that this matter be approved. Is there a
6 second?

7 MR. SHORT: Second.

8 CHAIRPERSON ANDERSON: Mr. Short has
9 seconded the motion. Those in favor say Aye.

10 [Chorus of ayes]

11 Those opposed.

12 [No audible response.]

13 The matter passed 5-zero-zero.

14 MR. SHORT: What was the name?

15 MS. MILLER: The Grocery Store.

16 CHAIRPERSON ANDERSON: The Grocery Store.

17 MR. SHORT: Oh, okay.

18 CHAIRPERSON ANDERSON: We now move to our
19 supplementary legal agenda and the first matter
20 on our supplementary legal agenda is to review a
21 request for reinstatement of the protest for
22 Capitol Market, license #091021. I make a motion

1 that we approve this matter. Is there a second?

2 MR. SHORT: Second.

3 CHAIRPERSON ANDERSON: Mr. Short has
4 seconded the motion. Those in favor say Aye.

5 [Chorus of ayes]

6 Those opposed.

7 [No audible response.]

8 The matter passed 5-zero-zero.

9 MR. ALBERTI: I oppose this. The Board
10 has denied reinstatement in many cases where
11 there was no extenuating circumstances, in this
12 case the licensee said they simply missed the
13 date, they got mixed up and missed the date, we
14 have not accepted that excuse in the past, so
15 either the Board has adopted a new policy or is
16 being arbitrary and capricious in this case.

17 CHAIRPERSON ANDERSON: This matter passed
18 4 to 1 with Mr. Alberti in opposition.

19 MS. MILLER: I just want to address the
20 good cause that I saw here and that is in
21 reference that he actually was in the ABRA office
22 for another reason at the time so it seemed to me

1 he wouldn't intentionally have missed the status
2 hearing if he knew it was the date.

3 CHAIRPERSON ANDERSON: Thank you Ms.
4 Miller. The second matter is to review a request
5 of opposition to a Capitol Market request for
6 reinstatement. And that's Capitol Market, and
7 the request was submitted by Stronghold Civic
8 Association, the license number for Capitol
9 Market is #091021. I make a motion that we deny
10 this opposition from Stronghold Civic
11 Association. Is there a second?

12 MR. SILVERSTEIN: Second.

13 CHAIRPERSON ANDERSON: Mr. Silverstein
14 has seconded the motion. Those in favor say Aye.
15 [Chorus of ayes] Those opposed?

16 MR. ALBERTI: I oppose. I think we
17 should approve it.

18 CHAIRPERSON ANDERSON: The matter passes
19 4 to 1 with Mr. Alberti in opposition. The next
20 matter is review of a joint letter submitted by
21 ANC 1A and the Group of 5 or More regarding &
22 Pizza, license #101679. This is an FYI for the

1 Board.

2 The next matter is the applicant's motion
3 in limine dated May 16, 2016, for & Pizza license
4 #101679. I make a motion that we approve the
5 motion in limine. Is there a second?

6 MR. ALBERTI: Second.

7 CHAIRPERSON ANDERSON: Mr. Alberti
8 seconded the motion. Those in favor say Aye.

9 [Chorus of ayes]

10 Those opposed.

11 MS. MILLER: I'd like --

12 CHAIRPERSON ANDERSON: Did you vote in
13 favor?

14 MS. MILLER: I did, I did.

15 CHAIRPERSON ANDERSON: It was 5 to zero.
16 Ms. Miller did you wish to make a statement?

17 MS. MILLER: I just want to say that I'm
18 voting for this motion, however I think that the
19 protestants have raised some serious concerns but
20 that those concerns need to be addressed by other
21 agencies like the DCRA and DPR and possibly
22 zoning, and I think they're just not within our

1 jurisdiction.

2 CHAIRPERSON ANDERSON: All right, thank
3 you.

4 MS. MILLER: Thank you.

5 CHAIRPERSON ANDERSON: Thank you, Ms.
6 Miller. The next matter is a request to store
7 invoices off premises for Beefsteak, for the CR
8 license, the caterer license, license #097148,
9 and license #097192, I make a motion that we
10 approve this request. Is there a second?

11 MR. ALBERTI: Second.

12 CHAIRPERSON ANDERSON: Mr. Alberti has
13 seconded the motion. Those in favor say Aye.

14 [Chorus of ayes]

15 Those opposed.

16 [No audible response.]

17 The matter passed 5-zero-zero.

18 The next matter on our agenda is review
19 of request to store invoices off premises for
20 Beefstake, license #098308. I make a motion that
21 we approve this matter. Is there a second?

22 MR. ALBERTI: Second.

1 CHAIRPERSON ANDERSON: Mr. Alberti has
2 seconded the motion. Those in favor say Aye.

3 [Chorus of ayes]

4 Those opposed.

5 [No audible response.]

6 The matter passed 5-zero-zero.

7 Then we move on to #7. It's a review of
8 settlement agreement between ANC 1C The Kalorama
9 Citizens Association and Group of 5 or More and
10 Villa Tuscana, license #100312. I make a motion
11 that we approve the settlement agreement with
12 modifications. Is there a second?

13 MR. SILVERSTEIN: Second.

14 CHAIRPERSON ANDERSON: Mr. Silverstein
15 has seconded the motion. Those in favor say Aye.

16 [Chorus of ayes]

17 Those opposed.

18 [No audible response.]

19 The matter passed 5-zero-zero.

20 Next is review of abutting owner's motion
21 to leave to supplement their proposed findings of
22 fact and conclusions of law for The Alibi,

1 license #97969. I make a motion that we deny
2 this request. Is there a second?

3 MR. SHORT: Second.

4 CHAIRPERSON ANDERSON: Mr. Short has
5 seconded the motion. Those in favor say Aye.

6 [Chorus of ayes]

7 Those opposed.

8 [No audible response.]

9 The matter passed 5-zero-zero.

10 The next matter is review of applicants'
11 opposition to protest a motion to reopen the
12 record for The Alibi, license #97969. This
13 matter is now moot.

14 We now move to our licensing agenda and
15 the first matter on our licensing agenda is to
16 review an application for class change from
17 Retailer DR to Retailer CR for 100 Montaditos,
18 license #094846. I make a motion that this matter
19 be placarded. Is there a second?

20 MR. SHORT: Second.

21 CHAIRPERSON ANDERSON: Mr. Short has
22 seconded the motion. Those in favor say Aye.

1 [Chorus of ayes]

2 Those opposed.

3 [No audible response.]

4 The matter passed 5-zero-zero.

5 The next matter is to review a request
6 for change of hours for Noodles & Company,
7 license #091046. I make a motion that we approve
8 this matter. Is there a second?

9 MS. MILLER: Second.

10 CHAIRPERSON ANDERSON: Ms. Miller has
11 seconded the motion. Those in favor say Aye.

12 [Chorus of ayes]

13 Those opposed.

14 [No audible response.]

15 The matter passed 5-zero-zero.

16 The next matter is to review a request
17 for change of hours for T.G. Cigars, license
18 #097774. I make a motion that this matter be
19 placarded. Is there a second?

20 MR. SHORT: Second.

21 CHAIRPERSON ANDERSON: Mr. Short has
22 seconded the motion. Those in favor say Aye.

1 [Chorus of ayes]

2 Those opposed.

3 [No audible response.]

4 The matter passed 5-zero-zero.

5 The next matter is review of application
6 for a summer garden with seating of 36 patrons
7 for T.G. Cigars, license #097774. I make a
8 motion that this matter be placarded. Is there a
9 second?

10 MR. SILVERSTEIN: Second.

11 CHAIRPERSON ANDERSON: Mr. Silverstein
12 has seconded the motion. Those in favor say Aye.

13 [Chorus of ayes]

14 Those opposed.

15 [No audible response.]

16 The matter passed 5-zero-zero.

17 The next matter is review of application
18 for a sidewalk café with seating of 38 patrons
19 for ANXO Cidery & Pintxos Bar, license #098528.
20 I make a motion that this matter be placarded.
21 Is there a second?

22 MR. SILVERSTEIN: Second.

1 CHAIRPERSON ANDERSON: Mr. Silverstein
2 has seconded the motion. Those in favor say Aye.

3 [Chorus of ayes]

4 Those opposed.

5 [No audible response.]

6 The matter passed 5-zero-zero.

7 The next matter is review of application
8 for a sidewalk café with seating of 16 patrons
9 for Taqueria Habanero, license #098996. I make a
10 motion that this matter be placarded. Is there a
11 second?

12 MR. ALBERTI: Second.

13 CHAIRPERSON ANDERSON: Mr. Alberti has
14 seconded the motion. Those in favor say Aye.

15 [Chorus of ayes]

16 Those opposed.

17 [No audible response.]

18 The matter passed 5-zero-zero.

19 The next matter is review of request to
20 extend premises to include 111 seats for
21 Morrison-Clark Inn, license #020149. I make a
22 motion that this matter be approved. Is there a

1 second?

2 MS. MILLER: Second.

3 CHAIRPERSON ANDERSON: Ms. Miller has
4 seconded the motion. Those in favor say Aye.

5 [Chorus of ayes]

6 Those opposed.

7 [No audible response.]

8 The matter passed 5-zero-zero.

9 The next matter is review of application
10 for Manager's License for Denny An, license
11 #102709. I also make a motion that we refer this
12 matter back to licensing. Is there a second?

13 MR. ALBERTI: Second.

14 CHAIRPERSON ANDERSON: Mr. Alberti has
15 seconded the motion. Those in favor say Aye.

16 [Chorus of ayes]

17 Those opposed.

18 [No audible response.]

19 The matter passed 5-zero-zero.

20 The next matter is review of application
21 for Manager's License for Julio Sanchez, license
22 #100197. I make a motion that we refer this

1 matter back to licensing. Is there a second?

2 MR. ALBERTI: Second.

3 CHAIRPERSON ANDERSON: Mr. Alberti has
4 seconded the motion. Those in favor say Aye.

5 [Chorus of ayes]

6 Those opposed.

7 [No audible response.]

8 The matter passed 5-zero-zero.

9 We now move to our supplemental licensing
10 agenda. The request on our supplemental
11 licensing agenda is to review a request for a
12 stipulated license with ANC support by ANC 3E,
13 Beefsteak, license #102120. I make a motion that
14 this matter be approved. Is there a second?

15 MR. SHORT: Second.

16 CHAIRPERSON ANDERSON: Mr. Short has
17 seconded the motion. Those in favor say Aye.

18 [Chorus of ayes]

19 Those opposed.

20 [No audible response.]

21 The matter passed 5-zero-zero.

22 We now move to our secondary supplemental

1 licensing agenda.

2 The first matter on the agenda is to
3 review a letter from attorneys Andrew Lin and
4 Betty Gardina regarding Bistro 18 requesting that
5 we waive late fees on Bistro license #086876. I
6 make a motion that we approve the waiver of late
7 fees. Is there a second?

8 MR. SILVERSTEIN: Second.

9 CHAIRPERSON ANDERSON: Mr. Silverstein
10 has seconded the motion. Those in favor say Aye.
11 [Chorus of ayes] Those opposed. [No audible
12 response.] The matter passed 5-zero-zero.

13 The next matter is review a request of
14 withdrawal of application for a new Retailer's DR
15 license of ANC 3B Starbuck's Coffee, license
16 #102026. This is an FYI.

17 We now move to our cancellation agenda.
18 I make a motion that we approve the cancellation
19 of the licenses for all the establishments on the
20 cancellation agenda. Is there a second?

21 MR. SILVERSTEIN: Second.

22 CHAIRPERSON ANDERSON: Mr. Silverstein

1 has seconded the motion. Those in favor say Aye.

2 [Chorus of ayes]

3 Those opposed. [No audible response.]

4 The matter passed 5-zero-zero.

5 MR. SILVERSTEIN: Mr. Chairman, I move
6 that we insert the names in the record.

7 CHAIRPERSON ANDERSON: All right, I'll
8 review -- I will go back for the establishments
9 on the cancellation agenda are: Chateau Inc.
10 License #010574; the second one is Field to City,
11 license #076751; the third matter is B/Brookland
12 Café, license #083121. I make a motion that
13 these three establishments that there licenses be
14 cancelled. Is there a second?

15 MR. SILVERSTEIN: Second.

16 CHAIRPERSON ANDERSON: Mr. Silverstein
17 has seconded the motion.

18 Those in favor say Aye.

19 [Chorus of ayes]

20 Those opposed. [No audible response.]

21 The matter passed 5-zero-zero.

22

1 We now move to our vacate, cease and
2 desist orders agenda. I make a motion that we
3 approve the establishments ABRA-082097, Ping
4 Pong; license ABRA-000237, Columbia Lodge #85
5 I.B.P.E.O. of Without. I make a motion that
6 these two establishments that we vacate the cease
7 and desist and that we approve vacating the cease
8 and desist orders issued on these two
9 establishments. Is there a second?

10 MR. ALBERTI: Second.

11 CHAIRPERSON ANDERSON: Mr. Alberti has
12 seconded

13 The motion. Those in favor say Aye.

14 [Chorus of ayes]

15 Those opposed.

16 [No audible response.]

17 The matter passed 5-zero-zero.

18 As chairperson of the Alcoholic Beverage
19 Control Board for the District of Columbia and in
20 accordance with D.C. section 2574B Closed
21 Meetings and 405 of the Open Meetings Amendment
22 Act of 2010, I move that the ABC Board hold a

1 closed meeting on May 18, 2016, for the purpose
2 of discussing and hearing reports concerning
3 ongoing or planned investigations of alleged
4 criminal or civil misconduct or violations of law
5 or regulations and seeking legal advice from our
6 counsel on the Board's investigative, legal and
7 licensing agenda for May 18, 2016, as published
8 in the D.C. Register on May 13, 2016. Is there a
9 second?

10 MR. SILVERSTEIN: Mr. Silverstein has
11 seconded the motion. I will now take a roll call
12 vote on the motion before us now that it has been
13 seconded.

14 CHAIRPERSON ANDERSON: Ms. Miller?

15 MS. MILLER: I agree.

16 CHAIRPERSON ANDERSON: Mr. Alberti?

17 MR. ALBERTI: I agree.

18 CHAIRPERSON ANDERSON: Mr. Short?

19 MR. SHORT: I agree.

20 CHAIRPERSON ANDERSON: Mr. Silverstein?

21 MR. SILVERSTEIN: I agree.

22 CHAIRPERSON ANDERSON: Mr. Anderson? I

1 agree. The matter passed 5-zero-zero. As it
2 appears that the motion has passed I hereby give
3 notice that the ABC Board will hold the afore-
4 mentioned closed meeting pursuant to the Open
5 Meetings Amendment Act. Notice will also be
6 posted on the ABC Board here in the room,
7 bulletin board, placed on the electronic calendar
8 on ABRA's website and published in the D.C.
9 Register in as timely a manner as practicable.
10 It is now 5:37 and we are adjourned for the day.
11 Thank you.

12 (Whereupon at 5:37 p.m. the above-
13 entitled action was concluded.)

14